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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 001456

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TAGS: PGOV PREL PHUM MARR IZ PTER
SUBJECT: IRAQI NSC DISCUSSES HUMAN RIGHTS, CRIMINAL
DATABASES AND EVIDENCE FOR WARRANTS

REF: BAGHDAD 1373

Classified By: Pol-Mil Minister Counselor Michael H. Corbin for reasons
 1.4 (b) and (d)

¶1. (C) Summary: During the May 31 session of the weekly
Iraqi National Security Council (NSC) the Minister of Human
Rights aggressively confronted Prime Minister Nuri al-Maliki
and the assembled security officials over her concerns over
the human rights situation in Iraq, directly refuting his
claim that overcrowding of prisons was the only main issue of
concern. In response to the Minister's push, PM al-Maliki
called on the judiciary to improve its standard of evidence
for the issuance of arrest warrants and ordered a committee
be set up to address concerns of the Human Rights Ministry.
The NSC also discussed ways to develop a criminal database
system to speed releases and find wanted criminals in a
follow-up to its May 24 session (reftel). Minister of
Interior Jawad al-Bulani and his staff presented a
comprehensive database plan, but did not include cost and
time-frame details. End Summary.

Minister decries Iraq's
human rights situation in 2009

¶2. (C) After a long discussion on the development of an
inter-ministerial criminal database, including participation
by the Chief Prosecutor of the Higher Judicial Council
Ghadanfer Hamoud al-Jasim, Minister of Interior Jawad
al-Bulani with representatives of all intelligence and
security institutions present, Minister of Human Rights
Wijdan Mikhail Salim aggressively took on Prime Minister Nuri
al-Maliki on what she called the "big deterioration of human
rights" in 2009. PM al-Maliki tried to tone down the
discussion, saying the issue consisted of "prison
overcrowding as the only problem," which had been addressed
by the GOI. Minister Salim strongly disagreed, highlighting
arrest procedures, slow releases of Iraqi-held detainees and
problematic mechanisms of justice as only some examples of
problems with human rights in Iraq. As other Ministers,
including Minister of Interior Bulani and Minister of State
for National Security Affairs Shirwan al-Waili tried to table
the issue and end the meeting, Minister Salim loudly called
for a committee to be established under the Ministry of Human
Rights (MoHR) with participation from the entire judicial and
security apparatus to investigate procedural issues and
current practices to address human rights problems

¶3. (C) PM al-Maliki grilled Chief Prosecutor Ghadanfer on
the low levels of evidence necessary to issue an arrest
warrant. Al-Maliki said he had sent a letter to Iraqi Chief
Justice Medhet al-Mahmoud to ask for stricter enforcement of
evidentiary rules in issuing arrest warrants, and told Chief
Prosecutor Ghadanfer that currently warrants could be issued
too quickly, without sufficient evidence. Chief Prosecutor

Ghadanfer responded that the criminal code states that if two eyewitnesses implicate an individual in a crime a warrant must be issued, but if an informant is not a witness, for example, there are no grounds for an arrest warrant. PM al-Maliki said that if there was not enough information to take the accused to the judiciary, then a warrant should not be issued.

¶4. (C) PM al-Maliki asked Minister Salim for more details of problematic issues and said he was committed to addressing human rights in Iraq. He said he was ready to establish a committee to address human rights concerns but argued the Qcommittee to address human rights concerns but argued the committee should be under the jurisdiction of the Ministry of Justice. Minister Salim held her ground to the discomfiture of some of the representatives. Minister of Interior Bulani offered to host a meeting between some security elements and Minister Salim but the latter pushed hard for a committee to address all human rights issues. The matter was not resolved before the meeting wrapped up, but Salim, Bulani and Ghadanfer huddled together at the end of the meeting to set a way forward.

National Criminal Database
creation a long road

¶5. (C) Prior to the passionate plea for investigations by Minister Salim, the NSC followed up on the PM's call for greater coordination on a database system at its May 24 session (reftel). Discussion focused on long term solutions to speed the process of detainee releases and improve

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interagency coordination. Lieutenant Colonel Ali Abeed Abbas of the Ministry of Interior (MOI) briefed the group on a proposal to create and interconnect a most-wanted list, a criminal database, and a database focused on issued arrest warrants. As of now, the GOI only had the Automate Fingerprint Identification System (AFIS) functional (a task completed with the help of the Embassy), and while the USG had offered to help create a wider criminal database, lack of funding and participation from the GOI had stalled the program as far back as 2005.

¶6. (C) LTC Abbas's presentation included the inclusion of the Ministry of Human Rights at every step of the process, with investigators filling out paper tickets that could be sent to the MoHR or uploaded directly into the database, allowing the MoHR to track arrests, pre-trial detainees and convicted prisoners. Chief Prosecutor Ghadanfer asked why the MoHR needed to be involved at all. Minister Salim reminded the NSC that the MoHR stood outside of the process in an oversight and monitoring capacity. When pressed by Chief Prosecutor Ghadanfer over that role, PM al-Maliki seemed to defend the MoHR saying they did not have power to punish, but had an obligation to report abuse or problems, though followed the statement by a series of direct questions to Minister Salim over what she thought her role should be, with an implied emphasis on a minimal role. Minister Salim stated the MoHR did not need to be involved in every step of the process, but should have access to it when needed.

¶7. (C) A further debate followed on the access to information put in by intelligence and security services, with the Counter-Terrorism Bureau (CTB), the Iraqi National Intelligence Service (INIS), and the National Security Agency (NSA), as well as the Minister of State for National Security (MSNSA) all claiming that their information could be cross-checked within their own agencies, but were not keen to share the information by inputting it into a database they did not control. Minister Salim complained that access to information was an age-old problem. Minister Bulani asked that MOI serve as the principle agency in charge, but PM al-Maliki directed a committee of MOI, Ministry of Justice,

Ministry of Labor, MoHR, and the NSA to work out the
technical issues of creating the database, focusing on costs
and timelines.
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